

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RAYMOND ERIC ZAHLER,

Plaintiff,

vs.

MICHAEL MCCARTHY, et al.,

Defendants.

NO. CV-09-135-JPH

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND DENYING MOTIONS**

On June 8, 2009, Magistrate Judge James P. Hutton filed a Report and Recommendation recommending that Plaintiff Raymond Eric Zahler's Motion for Temporary Restraining Order (Ct. Rec. [2](#)) and Motion for Leave to Proceed *In Forma Pauperis* (Ct. Rec. [3](#)) be denied. There being no objections, the Court **ADOPTS** the Report and Recommendation (Ct. Rec. [12](#)) in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Ct. Rec. [2](#)) is **DENIED AS MOOT**.

2. Plaintiff's Motion for Temporary Restraining Order (Ct. Rec. [3](#)) is **DENIED without prejudice** so that Plaintiff can, if he chooses, seek relief in the appropriate state court.

1 **IT IS SO ORDERED.** The District Court Executive is directed to
2 enter this Order and forward a copy to Plaintiff.

3 **DATED** this 3rd day of August 2009.

4
5 s/ Edward F. Shea
6 EDWARD F. SHEA
7 UNITED STATES DISTRICT JUDGE

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